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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,539	07/29/2003	Douglas G. Paulo	DGP-03-1	4830
7590	03/29/2004		EXAMINER	
GEORGE W. WASSON 3123 INDIAN WAY LAFAYETTE, CA 94549			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,539	PAULO, DOUGLAS G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lars A Olson	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 7 is/are allowed.  
 6) Claim(s) 1 and 2 is/are rejected.  
 7) Claim(s) 3-6 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (US 3,793,980) in view of Kobayashi et al. (US 3,811,399).

Sherman discloses a marine propulsion system, as shown in Figures 1-17, for a propeller driven boat, said system including a tunnel structure, as shown in Figure 2, that accommodates a propeller shaft, defined as Part #46, with a propeller, defined as Part #50, between a forward end and a trailing end of said tunnel structure, where said tunnel structure assists in the movement of said boat from a starting attitude to a planing attitude, as described in lines 20-38 of column 2.

Sherman, as set forth above, discloses all of the features claimed except for the use of a constant diameter extension of said tunnel structure that extends from a position of said propeller within said tunnel structure to the stern of said boat.

Kobayashi et al. discloses an inboard motor boat, as shown in Figures 1 and 2, with a tunnel structure, defined as Part #5, that accommodates a propeller shaft, defined as Part #22, and a propeller, defined as Part #29, where said tunnel structure

has a constant diameter extension, as shown in Figures 1 and 2, that extends from a position of said propeller within said tunnel structure to the stern of said boat.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a tunnel structure on a boat hull having a constant diameter extension between a propeller and a stern of said boat hull, as taught by Kobayashi et al., in combination with the marine propulsion system as disclosed by Sherman for the purpose of providing a boat hull with improved handling during operation.

#### ***Allowable Subject Matter***

3. Claim 7 is allowed.
4. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Whitehead (US 4,609,360), Foster (US 4,057,027), Stuart (US 3,626,894 and US 3,515,087) and Huff (US 835,530) all disclose boat hulls with a tunnel structure that accommodates a propeller shaft and a propeller.

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6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

March 23, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
3/23/04